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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,260	08/28/2001	Pierre Costa	8285/448	6291
757	7590	09/28/2004	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			AN, SHAWN S	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/942,260	COSTA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Shawn S An	2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 July 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 10-16 is/are allowed.
- 6) Claim(s) 17-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/10/01, 1/23/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Restriction/Election***

1. Applicants' election without traverse of species III corresponding to figure 5, claims 10-19 as filed on 7/19/2004 has been acknowledged. Furthermore, Applicants are canceling claims 1-9, which read upon non-elected species.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 17-19 recite the limitation "the second representation". There is insufficient antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Haskell et al (5,159,447).

**Regarding claim 17,** Haskell et al discloses a system for reconstructing an image sequence encoded in a VBR representation comprising blocks of information defining time intervals  $T_p$  (Fig. 5; Pack, P(i+1)1, in Stream e) in which number of blocks of information per unit time is greater than baseline ( $R(i)$ ), and  $T_n$  ( $T/4$ ) in which number

of blocks of information per unit time is less (Packs, Pi1, Pi2, Pi3, Pi4, in Stream d) than the baseline, the system comprising:

A receiver (Fig. 1, 45) for receiving a representation of the image sequence via the communication network;

A buffer (40);

A processor (50) for reconstructing frames of image sequence concurrently with the representation being received;

Wherein during the time interval Tn, the processor reconstructs frames of the image sequence based on blocks of information Bn received about in real time (col. 11, lines 25-28), and to store the blocks of information Bp in the buffer (40); and

Wherein during the time interval Tp, the processor reconstructs frames of the image sequence based on blocks of information Bp stored in the buffer (40) and blocks of information received about in real time (Fig. 5, see decoded access units in pack i).

### ***Allowable Subject Matter***

6. Claims 10-16 are allowed.
7. The following is an examiner's statement of reasons for allowance:  
**claims 10-16** recite the novel feature of a system, comprising:  
an encoder to provide a VBR representation of an image sequence, the VBR representation comprising a plurality of block information; and  
a processor to determine a plurality of time intervals Tp within the VBR representation in which a number of blocks of information per unit time is greater than a baseline value to determine a plurality of time intervals Tn within the VBR representation in which a number of blocks of information per unit time is less than the baseline value, and to create a second representation of the image sequence in which some blocks of information Bp are removed from the time interval Tp and interlaced with blocks of information Bn in the time intervals Tn to reduce a variation in a number of blocks of information per unit time between the time intervals Tp and Tn.

The art of record fails to anticipate or make obvious the novel features as specified in these claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.
  - A) Zhu et al (5,534,937), Minimum delay jitter smoothing device and method for packet video communications.
9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).
10. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

9/26/04